

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1972

LEGISLATIVE REORGANIZATION

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

LEGISLATIVE REORGANIZATION California Proposition 4 (1972).
http://repository.uchastings.edu/ca_ballot_props/748

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

built for them (many of which will run into millions of dollars each), and then the project does not work, or the corporation goes bankrupt, or moves out of the state, there will be no way to get back the money poured into this project.

Vote "No" and help protect the Legislature against itself.

CLARK L. BRADLEY
State Senator, 14th District

Rebuttal to Argument Against Proposition 3

The opposition argument to Proposition 3 is a typical "scare" argument. It tries to scare the voter into believing that Proposition 3 will increase his taxes—allegedly because an industry might "go broke", or move out of the state, then the state would have to "make good" the pollution control bonds from general tax funds.

This opposition argument has no basis in fact.

To safeguard against the possibility of default, each industry which leases pollution control facilities can be required to mortgage its properties—even those located outside of California—as security for its lease.

None of the other industrial states which currently use this type of financing for pollution control facilities have ever experienced any default or delinquency on pollution control bonds.

No bonds will be sold, and no leases signed, without the specific approval of a five member "Pollution Control Financing Authority". The State Treasurer, State Controller and State Director of Finance will be members of this Authority. Each of these individuals shares the responsibility for managing California's fiscal affairs. There is no reason to believe that they will approve leases with financially shaky corporations.

Proposition 3 amends the State Constitution to state explicitly that pollution control bonds cannot become, under any circumstances, the legal responsibility of the state or of its taxpayers.

Proposition 3 provides for a completely self-liquidating bond program which will not affect state taxpayers in any way. In this respect it is similar to the self-liquidating veterans' home loan bond program which has been in effect for many years in California.

JOHN T. KNOX
Assemblyman, 11th District

LEGISLATIVE REORGANIZATION. Legislative Constitutional Amendment. Amends and adds various constitutional provisions to provide for or affect two-year legislative sessions, automatic adjournment, special sessions, recesses, effective date of statutes, limitation on time for introduction of bills and presentation to Governor, budget bill time limits and procedure, vetoes, Governor's annual report, pardons, and legislators' terms and retirement. Financial impact: Cost decrease to state of between \$16,500 and \$60,000 per year.

YES

NO

(For Full Text of Measure, See Page 4, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this legislative constitutional amendment is a vote to provide that the Legislature meet for a single two-year session during each two-year period between general elections instead of meeting in a new session each year.

A "No" vote is a vote to retain the existing annual sessions of the Legislature.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This measure would make the following major changes in the Constitution:

(1) The Legislature **now** meets in regular session each year commencing on the first Monday after January 1. The length of the session is not specified.

This measure would provide, generally, for the regular legislative sessions to extend from the two-year period between general elections. The first regular session following adoption of the measure would commence on January 8, 1973, and would continue un-

(Continued in column 2)

Cost Analysis by the Legislative Analyst

By abolishing the veto session as a separate period of the regular legislative session, this constitutional amendment would result in annual savings ranging from \$16,500 to \$60,000 (for a full five-day session) based upon the estimated daily cost of such sessions, including round-trip travel cost. The other provisions would result in no net change in costs.

(Continued from column 1)

til November 30, 1974. Thereafter, regular sessions would commence on the first Monday in December of each even-numbered year (following the general election) and would continue until November 30 of the next even-numbered year. The terms of office of Members of the Legislature would be revised to correspond to these changes.

(2) The Constitution **now** provides that a bill passed by both houses at a regular session becomes law unless the Governor vetoes it. The Legislature is required to recess at the end of a regular session and reconvene

(Continued on page 12, column 1)

Detailed Analysis by the Legislative Counsel

(Continued from page 11, column 2)

before final adjournment for the sole purpose of considering the Governor's vetoes. Statutes passed at a regular session, other than those taking effect immediately, take effect on the 61st day after final adjournment.

Under **this measure**, provision is made for consideration of the Governor's vetoes before adjournment of the session. Statutes of the regular session, other than those taking effect immediately, would become effective on January 1 next following a 90-day period after enactment.

(3) The law **now** provides that a bill introduced in one session may not be deemed pending at any other session. Thus, while a bill introduced in the first year following a general election may be reintroduced in the second year, it cannot be carried over automatically.

(Continued in column 2)

(Continued from column 1)

Under **this measure**, a bill introduced in the first year of the two-year session may be acted upon in the second year only were passed by the house of origin by January 30 of the second year.

(4) The law **now** provides that neither house of the Legislature may recess for more than 3 days without the consent of the other house.

Under **this measure**, neither house could recess for more than 10 days without the consent of the other house.

(5) The law **now** provides that until the budget bill is enacted, neither house of the Legislature can pass another appropriation except in an emergency bill recommended by the Governor or an appropriation for salaries or expenses of the Legislature.

Under **this measure**, such other appropriation bills could be passed by either or both houses but could not be sent to the Governor until the budget bill is enacted.

Argument in Favor of Proposition 4

This constitutional change is an easily understood proposal to streamline the operations of the Legislature. It will result in reforms in operations, greater efficiency, more responsiveness to the public and some modest recurring savings estimated at several hundred thousand dollars.

Briefly, it would:

- require the Legislature to meet one month earlier instead of losing the time we now lose in convening the session;
- shorten the time a defeated or retiring legislator would remain in office;
- require that the Legislature organize only once in the two year period between elections;
- reduce the costly process of reintroducing and reconsidering identical legislation each year;
- restrict the advantage enjoyed by special interest to defeat key legislation;
- eliminate unnecessary veto sessions; and
- permit other reforms in legislative rules.

The proposal eliminates a major deficiency in the existing Constitution which allows the Legislature to remain in session for an unlimited period each year, taking final action on every item of business. Instead, the proposed change would fix constitutional deadlines for legislative action over a two year period.

The amendment does not mean that the Legislature will be meeting continuously in Sacramento for two years. In fact, there are more limits on the amount of time the Legislature may act on legislation than currently exist. These limits are designed to give the Legislature a more business-like set of deadlines for its operations.

The amendment will not result in any in-

crease in compensation or benefits to legislators.

Some special interests feel it will be more difficult to defeat key legislation because they use to their advantage the inefficiencies in the current procedures. The Legislature should not be structured for their benefit.

The amendment has the support of Republican and Democratic leadership in each House of the Legislature, Common Cause, the Planning and Conservation League, the League of California Cities and many other organizations which are concerned about the responsiveness of the legislative process.

We ask your support.

BOB MORETTI

Assembly Speaker

BOB MONAGAN

Assembly Republican Leader

FRED MARLER

Senate Republican Leader

Rebuttal to Argument in Favor of Proposition 4

Proposition 4 should be opposed by the public because it will not effectively reform the legislative process. The key to reform is not another constitutional amendment but instead public pressure on the Legislature to do the job within the present laws. There is no assurance that the passage of Proposition 4 will do some of the following things which can be accomplished without Proposition 4.

1—Open all committee meetings to the press and public.

2—Abolish ghost voting—a practice by which a representative authorizes a colleague to electronically vote for him in his absence.

3—Limit per diem (\$30.00) expense to 180 days maximum each year. The result would be to expedite sessions and allow

much needed time for interim study hearings.

4—Require members to lose their per diem failure to attend committee hearings.

—Require budget and revenue bills to be in the hands of the Governor by June 10 each year.

6—Require all measures to identify the sponsoring individual, organization or special interest group.

7—Change the unilateral appointing authority of the Speaker of the Assembly and place this authority in the Rules Committee.

8—Strictly enforce a recorded vote on all committee actions.

9—Require detailed monthly disclosure of all sources of political contributions and amounts received with detailed expenditures and unexpended balances on deposit in identifiable checking or savings accounts.

The above reforms would do much more to assure the priority of public interest in legislative reform than the proposed constitutional amendment.

KEN MACDONALD
Assemblyman, 37th District

Argument Against Proposition 4

The reforms to California's legislative system offered in this proposition address themselves to constitutional changes although the Legislature, on its own initiative, could and should institute many of these same reforms altering its rules and procedures under existing constitutional framework. Considerable work and the careful attention of the voters have been invested over the past six years in streamlining our Constitution. We should endeavor to avoid further revision to this basic document except when absolutely necessary.

The Legislature has a responsibility to seek reforms in its procedures whether the Constitution is amended or not. Before the people are asked to approve Proposition 4 there should be a public showing that such steps will be undertaken.

There should be rules and procedures adopted to enforce certain deadlines for legislative actions both in committees and on

final votes in order to avoid procrastination and delay. Mechanisms must be established to assure the public that bills that duplicate other bills are not processed at the expense of taxpayers' money. Amendments to bills should be strictly limited to only those which are germane to the subject matter of the bill that is amended.

Rules and procedures should encourage the development of committee sponsored bills, much the same as the procedure followed by the United States Congress. Committee bills favor a bipartisan approach to legislative decision making and benefit the entire population rather than one political party or another.

Interim fact-finding committee work needs to be resumed by the Legislature. To do this, fixed calendars should be established governing session length and guaranteeing meaningful periods of recess so the legislative committees will have time to hold information gathering hearings around the state.

Under Proposition 4 legislation that passes its house of origin in the first year of the biennium could be considered in the second year without re-introduction and re-processing the same measure in that house of origin as is the current practice. Bills that are defeated in the house of origin within the first year would be considered dead for the entire two-year session.

If the proposed biennial session plan is, in fact, going to save the hundreds of thousands of dollars its sponsors claim, then there must be assurances against needless second-year re-introduction and re-processing of bills that have been defeated in the prior year. Those assurances have not yet been spelled out.

All of these efficiencies and improvements are possible. Certainly, before the voters are faced with the decision to adopt or reject Proposition 4, the Legislature has a duty to spell out its intention to enact these reforms. Appropriate changes in legislative rules and procedures must be made available for the people to review before they can be expected to adopt this amendment.

KEN MACDONALD
Assemblyman, 37th District

SCHOOL DISTRICTS. Legislative Constitutional Amendment. Permits Legislature to authorize governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with laws and purposes for which school districts are established. Financial impact: None in absence of implementing legislation.

5

YES

NO

(For Full Text of Measure, See Page 6, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this legislative constitutional amendment is a vote to permit the legislature to authorize school boards to any action not in conflict with the laws

(Continued on page 14, column 1)

Cost Analysis by the Legislative Analyst

The State Constitution, Section 14, Article IX, authorizes the Legislature to provide for the incorporation, organization and classification of elementary, high school, junior college and unified school districts.

(Continued on page 14, column 2)

4 **LEGISLATIVE REORGANIZATION. Legislative Constitutional Amendment.** Amends and adds various constitutional provisions to provide for or affect two-year legislative sessions, automatic adjournment, special sessions, recesses, effective date of statutes, limitation on time for introduction of bills and presentation to Governor, budget bill time limits and procedure, vetoes, Governor's annual report, pardons, and legislators' terms and retirement. Financial impact: Cost decrease to state of between \$16,500 and \$60,000 per year.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 95, 1972 Regular Session, expressly amends existing sections of the Constitution and adds a new section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENTS TO ARTICLES IV, V, AND XX

First—That subdivision (a) of Section 2 of Article IV be amended to read:

(a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 Assemblymen elected for 2-year terms. **Their terms shall commence on the first Monday in December next following their election.**

Second—That Section 3 of Article IV be amended to read:

SEC. 3. (a) **The Except as provided in subdivision (c), the Legislature shall meet annually convene in regular session at noon on the first Monday after January 1. At the end of each regular session the Legislature shall recess for 30 days. It shall reconvene on the Monday after the 30-day recess, for a period not to exceed 5 days, to reconsider vetoed measures.**

A measure introduced at any session may not be deemed pending before the Legislature at any other session. In December of each even-numbered year and each house shall immediately organize. Each session of the Legislature shall adjourn sine die by operation of the Constitution at midnight on November 30 of the following even-numbered year.

(b) On extraordinary occasions the Governor by proclamation may convene cause the Legislature to assemble in special session. When so convened assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.

(c) **The Legislature shall convene the regular session following the addition of this subdivision at noon on January 8, 1973. The term of office of the legislators elected at the general election in 1972 shall commence at noon on January 8, 1973.**

Third—That Section 4 of Article IV be amended to read:

SEC. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rolleall vote entered in the journal, two-thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

Members of the Legislature shall receive 5 cents per mile for traveling to and from their homes in order to attend reconvening following the 30-day recess after a regular session.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fourth—That subdivision (d) of Section 7 of Article IV be amended to read:

(d) Neither house without the consent of the other may recess for more than 30 days or to any other place.

Fifth—That subdivision (e) of Section 8 of Article IV be amended to read:

(e) **No statute may go into effect until the 61st day after adjournment of the regular session at which the bill was passed, or until the 91st day after adjournment of the special session at which the bill was passed, except**

statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes. (1) Except as provided in paragraph (2) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

Sixth—That Section 10 of Article IV be amended to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute; provided, that any bill passed by the Legislature before September 1 of the second calendar year of the biennium, if the legislative session and in the possession of the Governor on or after September 1 that is not returned by the Governor on or before September 30 of that year becomes a statute. The Legislature may not present to the Governor any bill after November 15 of the second calendar year of the biennium of the legislative session. If the 12-day period expires during the recess at the end of a regular session, the bill becomes a statute unless the Governor vetoes it within 30 days from the commencement of the recess. If the Legislature by adjournment of a special session prevents the return of a bill it does not become a statute unless the Governor signs the bill and deposits it in the office of the Secretary of State within 30 days after adjournment. With the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days by depositing it and the veto message in the office of the Secretary of State.

Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by the thirtieth day of January of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. He shall append to the bill a statement of the items reduced or eliminated with the reasons for his action. If the Legislature is in session, the Governor shall transmit to the house originating the bill a copy of his statement and the reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Seventh—That Section 11 of Article IV be amended to read:

SEC. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control. Committees may be authorized to act during sessions or after adjournment of a session.

Eighth—That subdivision (a) of Section 12 of Article IV be amended to read:

(a) Within the first 10 days of each regular session, commencing with the 1972 Regular Session, calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.

Ninth—That subdivision (c) of Section 12 of Article IV be amended to read:

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairmen of the committees that consider appropriations. Commencing in 1972, the Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, neither house may pass any other appropriation bill, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

Tenth—That subdivision (b) of Section 23 of Article IV be amended to read:

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 60-90 days after adjournment of the regular session at which the statute was passed or within 90 days after adjournment of the special session at which the statute was passed the enactment date of the statute, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election,

asking that the statute or part of it be submitted to the electors.

Eleventh—That Section 3 of Article V be amended to read:

SEC. 3. The Governor shall report to the Legislature at each session each calendar year on the condition of the State and may make recommendations. He may adjourn the Legislature if the Senate and Assembly disagree as to adjournment.

Twelfth—That Section 8 of Article V be amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. At each session he shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice

convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Thirteenth—That Section 20 of Article XX be amended to read:

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

Fourteenth—That Section 25 is added to Article XX, to read:

SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if his term had not been so reduced.

5 SCHOOL DISTRICTS. Legislative Constitutional Amendment. Permits Legislature to authorize governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with laws and purposes for which school districts are established. Financial impact: None in absence of implementing legislation.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 26, 1972 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IX

SEC. 14. The Legislature shall have power, by general law, to provide for the incorpora-

tion and organization of school districts, high school districts, and junior community college districts, of every kind and class and may classify such districts.

The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.

6 MISCELLANEOUS CONSTITUTIONAL REVISIONS. Legislative Constitutional Amendment. Deletes certain constitutional provisions and reinserts them in other articles. Deletes provision limiting four-year maximum terms of officers and commissions when terms not provided for in Constitution. Prohibits reduction of elected state officers' salaries during term. Permits Legislature to deal with tax matters in connection with changes in state boundaries. Requires Legislature to provide for working of convicts for benefit of state. Financial impact: None.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 42, 1972 Regular Session, expressly repeals existing sections and articles of the Constitution, and adds new sections and articles thereto; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENTS TO ARTICLES I, III, X, XIII, XX, AND XXI

First—That Section 3 of Article I is repealed.

SEC. 2. The State of California is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.

Second—That Article III is repealed.